

#423
BILL NO. Z-90-03-26

ZONING MAP ORDINANCE NO. Z-01-90

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

The North 160 feet of the West 25 feet of Lot 35 except
that portion taken for street right-of-way in J. H.
Feichter's Garden View Addition,

and the symbols of the City of Fort Wayne Zoning Map No. R-
14, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet H. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FACT SHEET

Z-90-03-26

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment

From RB to B-1-B

DETAILS**Specific Location and/or Address**

3202 E State B1

Reason for Project

To bring it in compliance with the use and the adjacent property.

Discussion (Including relationship to other Council actions)

19 March 1990 - Public Hearing

Ed Moppert, attorney, appeared before the Commission. He stated that he represented National Oil Corporation as well as the owners of the property Mr. & Mrs. Schupe. He stated that he was really doing "house-keeping". He stated that historically the Sun Oil Company some 30 to 35 years assumed that this strip was part of the B-1-B and have been using it as such for years. He stated that they checked and discovered that this strip had never been rezoned. He stated they are requesting to zone this strip to B-1-B and bring it in compliance with the use and the adjacent property. He stated that National Oil has no objections to the landscape suggestions of the staff and they concur fully.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
National Oil Company
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**
☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
 (See Details column for conditions)
**CITY COUNCIL
ACTIONS
(For Council
use only)**
☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

Read the first time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 4-24-90

Margie Eschaff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-01-90 on the 24th day of April, 1990

ATTEST:

(SEAL)

Margie Eschaff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of April, 1990, at the hour of 11:30 o'clock A. M., E.S.T.

Margie Eschaff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Approved and signed by me this 26th day of April, 1990, at the hour of 6:50 o'clock P. M., E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 7281

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 2-14 1980

RECEIVED FROM Huffman & McPartland \$ 100.00

THE SUM OF one hundred and 00/100 DOLLARS

ON ACCOUNT OF Regent of State

5017

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 7381

DATE FILED 2-14-90

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We National Oil Corporation

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB District to a/an B1B District the property described as follows:

The North 160 feet of the West 25 feet of Lot 35 except that
portion taken for street right-of-way in J.H. Feichter's
Garden View Addition

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3202 State Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

National Oil Corporation

P.O. Box 476

Bluffton, IN 46714

Edward J. Moppert
V. Pres.

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Edward J. Moppert
(Name)

1212 Anthony Wayne Building
Fort Wayne, IN 46802
(Address & Zip Code)

(219) 423-3331
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The North 160 feet of the West 25 feet of Lot 35 except that
portion taken for street right-of-way in J.H. Feichter's
Garden View Addition.

Owners of Property

John W. Shopp

Jane I. Shopp

111 Pickwick Pl

Syracuse, IN 46567



Agent for John

W. + Jane I. Shopp

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

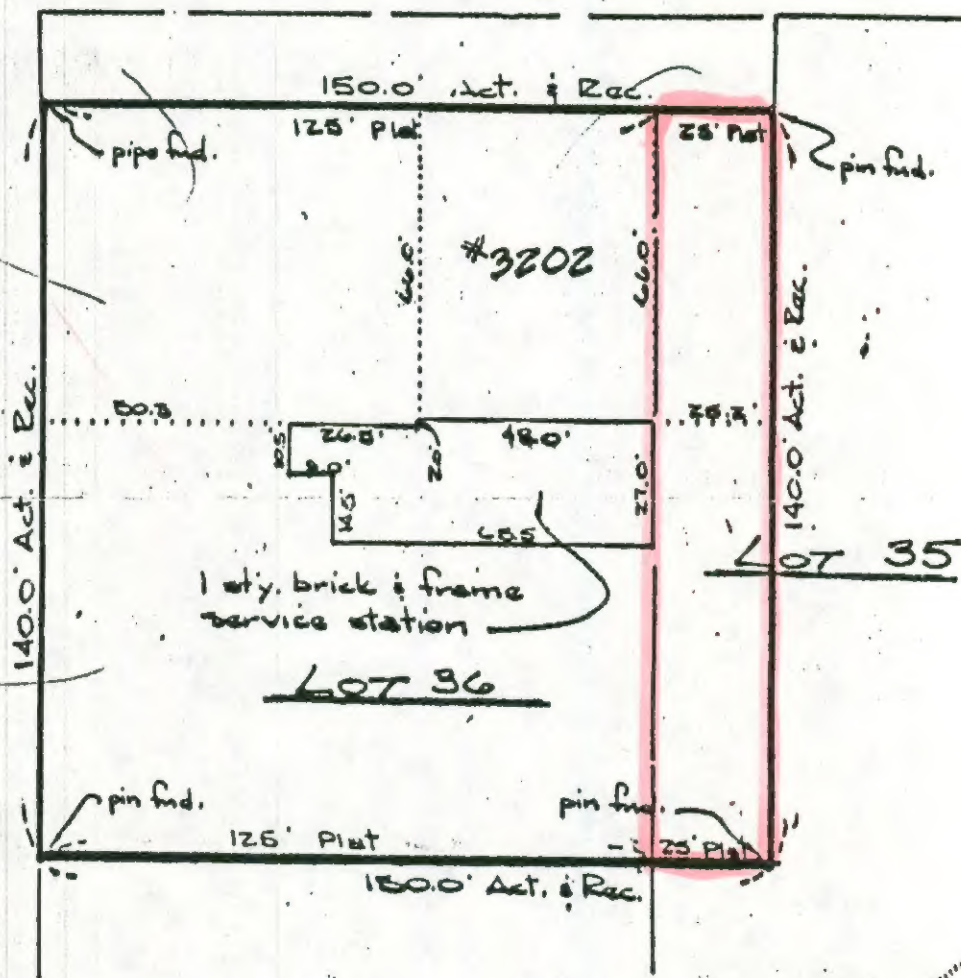
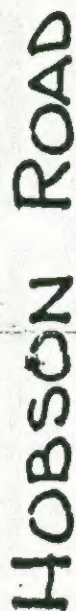
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

CERTIFICATE OF SURVEY

DESCRIPTION OF REAL ESTATE

This property is not in a special flood hazard area as defined by the FEMA Floodway Boundary Map Panel No. 05, effective April 3, 1985.

STATE STREET



I hereby certify on the 17th day of SEPTEMBER, 1987, that the above survey is correct.
 Surveyed for: SHOPPE-TOCCI/SCHRADER-HUGHES
 Survey No.: AD-167 (Signature)

Kathy Goonen



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-03-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 19, 1990.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 26, 1990.

Certified and signed this
27th day of March 1990.



Robert Hutner
Secretary

#423

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3202 E State B1

2-90-03-26

EFFECT OF PASSAGE Property is presently zoned RB - Suburban Residential.

Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

BILL NO. Z-90-03-26

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of _____
Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>Janet G. Bradbury</u>	_____	_____	_____
<u>David C. Long</u>	_____	_____	_____
<u>Edmonds, Schmidt, Talarico</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 4-24-90

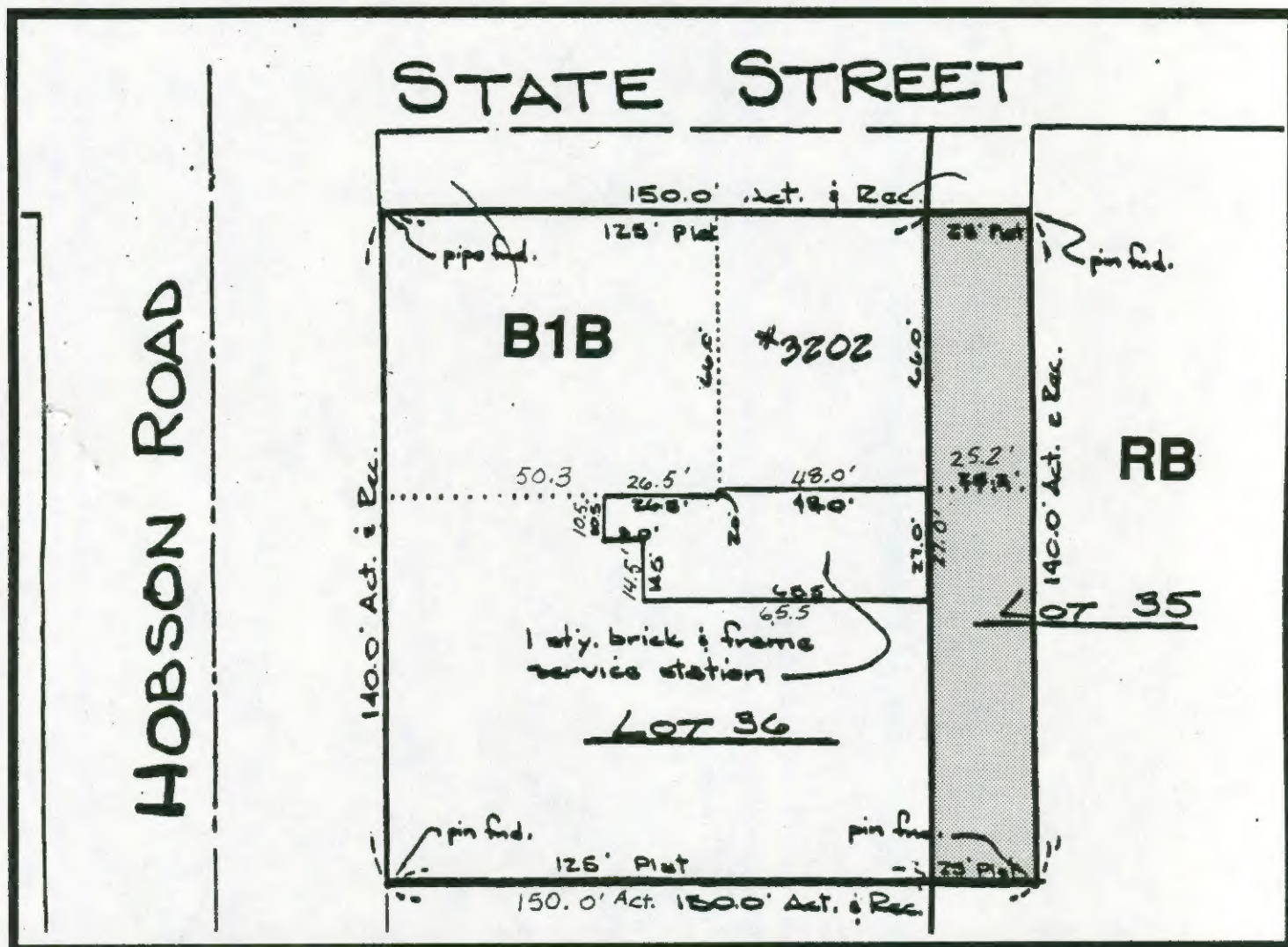
Sandra E. Kennedy
City Clerk

REZONING PETITION #423

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RB DISTRICT TO A B1B DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

B1B LIMITED BUSINESS "B"

RB RESIDENCE "B"

LAND USE:

☐ COMMERCIAL

SCALE: 1"=40'

DATE: 3-6-90

